

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION

Call to Order: By **CHAIRMAN JOHN BRUEGGEMAN**, on February 18, 2003
at 9:00 A.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Rep. John Brueggeman, Chairman (R)
Sen. Rick Laible, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Mike Cooney (D)
Rep. Monica Lindeen (D)
Rep. John Sinrud (R)

Members Excused: None.

Members Absent: None.

Staff Present: Matt Bugni, OBPP
Greg DeWitt, Legislative Branch
Christi Moyer, OBPP
Amy Sassano, OBPP
Lisa Gallagher, Committee Secretary
Lynn Zanto, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: None

Executive Action: Department of Transportation;
Department of Administration;
Judiciary

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8.1}

EXECUTIVE ACTION ON MONTANA DEPARTMENT OF TRANSPORTATION

Dave Galt, Director of Department of Transportation, said that what is being done is that they are taking \$6 million out of the highways state special revenue account to offset the impacts of funding the Motor Vehicle Division in the Department of Justice with highways state special revenue instead of general fund. He said that they need to be cautious with this especially because of the rising prices of gasoline. Director Galt explained the Montana Department of Transportation (MDT) proposed reductions to the committee.

EXHIBIT (jgh36a01)

SEN. COONEY asked Dave Galt how much money the Appropriations Committee took out. **Dave Galt** said that they took out about \$6 million, and that he feels it is not wise to go that low on the fund balance.

REP. LINDEEN asked Dave Galt if \$150,000 is taken out of noxious weed fund what will be the balance of that account. **Dave Galt** said about \$1 million in the noxious weed fund.

Motion: **REP. BRUEGGEMAN** moved that MDT PROPOSED REDUCTIONS SHOWN ON EXHIBIT 1 DO PASS.

Discussion:

SEN. LIABLE asked **REP. BRUEGGEMAN** if they are just transferring the money from the Department of Transportation to the Motor Vehicle Division (MVD) of the Department of Justice. **REP. BRUEGGEMAN** said, "Yes."

SEN. COONEY asked Dave Galt if the money comes from the gasoline tax. **Dave Galt** said that it comes from a fund at the Department of Transportation (DOT) and there are two accounts. One is a restricted account, and the other is a nonrestricted account, which has about \$7 million in it. These funds that are being transferred are nonrestricted funds, and not from gasoline taxes.

REP. LINDEEN asked **REP. BRUEGGEMAN** if the funding for the MVD funds the licensing program. **REP. BRUEGGEMAN** said that this money would fund all the programs of the MVD.

Vote: Motion carried 6-0, by voice vote.

EXECUTIVE ACTION ON MONTANA DEPARTMENT OF ADMINISTRATION

Motion: SEN. BARKUS moved that DP FUND SWITCH FOR THE CONSUMER AFFAIRS BUREAU AND ASSOCIATED WITH THE LANGUAGE PREVIOUSLY APPROVED BY THE COMMITTEE DO PASS.

Discussion:

Greg DeWitt said that this lowers the general fund by \$229,571 and increases the state special revenue fund by \$229,571 each year. The committee has already approved the language but not the fund switch, and that is what this will do.

REP. LINDEEN asked what program it will affect. **Greg DeWitt** said it will impact the Consumer Affairs Program.

Vote: Motion carried 6-0, by voice vote.

EXECUTIVE ACTION ON JUDICIARY

REP. BRUEGGEMAN explained to the Committee that the Governor's Office proposal is \$5 million above the fiscal 2000 base, and the Judiciary proposal is \$7.7 million above the fiscal 2000 base.

Exhibits two and three were handed to the secretary.

EXHIBIT (jgh36a02)

EXHIBIT (jgh36a03)

Motion: SEN. LAIBLE moved that DP 4001 DO PASS.

Discussion:

SEN. COONEY asked Lynn Zanto if this was an attempt to fix the disparities in salaries. **Lynn Zanto** said that they have 25 employees that are below pay level, and two have already been approved, and what this will do is take care of the rest of them. The cost for the biennium will be approximately \$140,000.

Vote: Motion carried 6-0, by voice vote.

Motion: SEN. BARKUS moved that DP 4002 DO PASS.

Discussion:

SEN. COONEY asked how many people are there in the federal building. **Lisa Smith, Office of the Court Administration, Administrative Services Director**, said that there were about 20 people in the federal building.

Vote: Motion carried 6-0, by voice vote.

Motion/Vote: **SEN. LAIBLE** moved that **DP 4003 DO PASS**. Motion carried 6-0, by voice vote.

Motion: **SEN. LAIBLE** moved that **DP 4004 DO PASS**.

Discussion:

REP. LINDEEN asked **REP. BRUEGGEMAN** how this proposal compares with the Supreme Court's proposal. **REP. BRUEGGEMAN** said that the proposal of the Supreme Court is \$7.7 million above the fiscal 2000 base and the Governor's Office proposal is \$5 million, so there is a difference of about \$1.8 million.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.8}

SEN. COONEY asked **Lynn Zanto** if this committee was in sync with the Senate Finance Committee. **Lynn Zanto** said that the Senate Finance Committee is trying to work out ways to fund the courts, and have a Senate bill that would move the public defenders to public administration.

REP. LINDEEN asked **Lynn Zanto** if this DP was approved it would reduce the budget by \$1.8 million. **Lynn Zanto** said that right now everyone is at the 2000 base, this DP adds \$7 million (fiscal 2004) and \$8 million (fiscal 2005).

Matt Bugni, Governor's Budget Office, said that it would help them to maintain the executive budget since the Senate Finance Committee work is based in this budget.

REP. LINDEEN asked **Matt Bugni** if there is present law. **Matt Bugni** said there is no present law.

REP. LINDEEN asked how far below the budget. **Matt Bugni** said he did not bring the exact numbers, but thinks it is about \$5 million.

SEN. COONEY asked **REP. BRUEGGEMAN** if it was his intent to fund at the 2002 base. **REP. BRUEGGEMAN** said, "Yes, it is probably the best place to stop for now."

Vote: Motion carried 6-0, by voice vote.

Motion/Vote: **REP. BRUEGGEMAN** moved to RESTORE THE REMAINING UNSPECIFIED REDUCTION DO PASS. Motion carried 6-0.

Motion: **REP. BRUEGGEMAN** moved A HALF-MILLION DOLLAR REDUCTION FROM GOVERNOR'S OFFICE BUDGET IN UNSPECIFIED REDUCTIONS DO PASS.

Discussion:

REP. LINDEEN said that the committee needs to be aware that they are really delegating their authority by not specifying the reduction.

SEN. LIABLE said that he sees **REP. LINDEEN**'s concern and would like to go back and look at all of the programs.

REP. LINDEEN said that this committee is only looking at the different departments' priorities.

SEN. LIABLE said that this is an issue that needs to be addressed.

REP. LINDEEN said that the agencies are forthcoming, but in the same sense it could be dangerous.

REP. BRUEGGEMAN said that is a good point, but the revenue is just not there.

Vote: Motion carried 6-0, by voice vote.

MOVING OF THE CONSENSUS COUNCIL

REP. LINDEEN said that after discussing this issue she prefers that the Consensus Council be moved under the university system instead of the State Administration Department.

SEN. LIABLE said that he would like to put the council under the university system, but not fund it through the university. It could still be funded through State Administration instead of the

university, and they could take money from those agencies that use the services instead of the general fund.

REP. LINDEEN said that is a good idea, and Yellow Bay is done in a similar manner.

SEN. COONEY said that it could be administratively attached to State Administration instead of the university.

Lynn Zanto said that she talked to Greg Petesch and he said that attaching the Consensus Council to the university system might be in violation of the constitution.

SEN. LIABLE said that limits the committee's options, and that State Administration is probably a good place for it, so it can stand on its own feet.

SEN. LIABLE asked Amy Sassano if there was already a special revenue fund set up for the Consensus Council. **Amy Sassano** said, "Yes, and that the services provided by the Consensus Council are not paid for until the services are used."

SEN. LIABLE asked Amy Sassano how you could get money to an account that was prepaid. **Amy Sassano** said that it would probably work as long as federal funds were not used.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.5}

SEN. LIABLE said that he would like to find a way to fund the Consensus Council, because currently the state is paying \$4.5 million in legal funds.

SEN. BARKUS said that the agencies' housing will not affect their performance.

SEN. LIABLE asked if the committee wanted to move the Consensus Council out of the Governor's Office.

SEN. BARKUS said that the university system is not unbiased.

REP. SINRUD said that if they give the Consensus Council to the university system they will lose all control of it.

REP. SINRUD asked Matt McKinney if the Consensus Council would be an option for DPHHS to resolve lawsuits and save money. **Matt McKinney** said, "Yes."

SEN. LIABLE asked Matt McKinney if the Consensus Council does work for DPHHS now. **Matt McKinney** said, "Yes, we do." He also said that another option to move them would be to the State Library.

Lynn Zanto said that the committee might want to consider the rate structure, because there is no mention of it in current bill draft. They might need to clarify the area about two members of the public, which cannot be legislators.

REP. SINRUD asked Lynn Zanto if they are on the board now, why that should be changed. **Lynn Zanto** said that it might be a conflict of interest.

REP. SINRUD asked Matt McKinney if it has always been this way. **Matt McKinney** said that the board is not a governing board, it is just an advisory board, and legislators have been on it.

REP. SINRUD said that because this board has no authority it is not a conflict of interest.

Matt McKinney said that the role of the board is trustee, and the board never passes judgment.

Flathead Basin Commission Committee Bill was signed and submitted.

EXHIBIT(jgh36a04)

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ADJOURNMENT

Adjournment: 10:20 A.M.

REP. JOHN BRUEGGEMAN, Chairman

LISA GALLAGHER, Secretary

JB/LG

EXHIBIT (jgh36aad)